IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Crl.Rev.Pet.No. 239 of 2007()

CRA.105/2000 of I ADDL. SESSIONS COURT, KOLLAM
CC.772/1998 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM

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REVN. PETITIONER:

THANKAPPAN PILLAI, ASST. MANAGER,
INDIAN BANK, KALAKODE BRANCH, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. P.OMANAKUTTAN, PROPERITOR, SONY PLAST,
THRIKKOVILVATTOM VILLAGE,
DECENT JUNCTION P.O., MUKHATHALA, KOLLAM.

`2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.C.R.SIVAKUMAR FOR R1
BY PUBLIC PROSECUTOR (SRI. S.K. SURESH) FOR R2.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

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Crl.R.P. No. 239 of 2007

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Dated this the 19th day of January, 2007.

ORDER

Revision Petitioner is the accused in C.C No. 772 of 1998 of on the file of the Judicial First Class Magistrate Court–II, Kollam. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of six months under section 138 of the Negotiable Instruments Act.. In appeal filed by him, the conviction was confirmed but sentence was modified by the Addl. Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.745 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the frist respondent-complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.745 of 2007 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**